

**FILED  
UNDER  
SEAL**

Prob12C  
D/NV Form  
Rev. March 2017

United States District Court  
for  
the District of Nevada

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PETITION FOR WARRANT  
FOR OFFENDER UNDER SUPERVISION

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Name of Offender: Kent Swaine

Case Number: 2:14CR00385

Name of Sentencing Judicial Officer: Honorable Richard F. Boulware

Date of Original Sentence: June 9, 2015

Original Offense: Obtaining a Controlled Substance by Fraud

Original Sentence: 60 Months probation

Date of Prior Revocation: June 3, 2016

Revocation Sentence: Continued on supervision with 30 days custody, followed by placement in a residential treatment facility

Date Supervision Commenced: June 9, 2015

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PETITIONING THE COURT

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To issue a warrant.

To issue a summons:

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The probation officer believes the offender has violated the following condition(s) of supervision:

1. Do Not Unlawfully Use Controlled Substance - You must refrain from any unlawful use of a controlled substance.

On April 21, 22, and 23<sup>rd</sup>, 2017, Swaine submitted a urine sample which tested positive for opiates, oxycodone and cocaine.

**RE: Kent Swaine**

Prob12C

D/NV Form

Rev. March 2017

On April 24, 2017, Swaine submitted a urine sample which tested positive for opiates, oxycodone, cocaine and benzodiazepines.

On April 24, 2017, Swaine admitted to using oxycodone 2-3 times daily since April 8<sup>th</sup> or 9<sup>th</sup>, 2017. He did not have a prescription for this medication. Additionally, he admitted to snorting cocaine about every other day since April 15, 2017. He stated his last use for the above drug test was April 21, 2017.

Swaine also admitted to using Xanax on April 21, and 22, 2017. He did not have a prescription for this medication.

2. **Substance Abuse Treatment** - You shall participate in and successfully complete a substance abuse treatment and/or cognitive based life skills program, which will include drug/alcohol testing and/or outpatient counseling, as approved and directed by the probation office. You shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants while participating in substance abuse treatment.

On April 21, 2017, while submitting to a drug test at our contract vendor site, the technician noticed a device that looked like a black soap pump connected to a tube on the left side of his pants. I contacted Swaine shortly thereafter and he admitted to using a device to circumvent our drug testing procedures.

**U.S. Probation Officer Recommendation:**

The term of supervision should be:

Revoked

I declare under penalty of perjury that the information contained herein is true and correct,

Executed on April 26, 2017



Henry Stegman  
2017.04.27  
06:24:34 -07'00'

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Henry Stegman  
Senior United States Probation Officer

**RE: Kent Swaine**

Prob12C  
D/NV Form  
Rev. March 2017

Approved:

*Benjamin Johnson* for Benjamin Johnson  
2017.04.26 15:02:25  
-07'00'

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Todd J. Fredlund  
Supervisory United States Probation Officer

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***THE COURT ORDERS***

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- No Action.
- The issuance of a warrant.
- The issuance of a summons.
- Other:

The Court Orders a summons for defendant's appearance on May 30, 2017 at 3:00 PM in LV  
Courtroom 7D.



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Signature of Judicial Officer

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May 9, 2017

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Date

**RE: Kent Swaine**

Prob12C  
D/NV Form  
Rev. March 2017

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA**  
**UNITED STATES V. KENT SWAINE, 2:14CR00385**

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**SUMMARY IN SUPPORT OF PETITION FOR WARRANT**  
**April 26, 2017**

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Since his grant of probation, Swaine has been before Your Honor for revocation proceedings due to his failure to complete a residential substance abuse program, report his change of residence, failure to submit monthly reports, failure to submit to drug testing, and use of a controlled substance (methadone). Swaine was continued on probation and given another opportunity to participate and successfully complete residential treatment. To his credit, he did complete the drug program as directed.

As reflected in the prior petition, the offender and his wife engaged in some type of altercation on October 28, 2016, at the Bellagio Hotel and Casino wherein she alleged the offender battered her by pushing her to the ground. The undersigned officer recommended she contact the police and file a report for Domestic Battery. Swaine was subsequently contacted and instructed not to have any contact with his wife. Swaine stated that they were struggling over her phone as she was going to call the undersigned claiming he was "high". Swaine explained while he grabbed her phone from her she slipped and fell. He denied being under the influence of any controlled substances or using any drugs. Swaine was instructed to report to the probation office on October 31, 2016.

Swaine reported as directed and acknowledged he was wrong for grabbing her phone and reiterated that she slipped and fell during the struggle over the phone. Swaine submitted to a drug test which was negative. After Swaine left the probation office the undersigned contacted his wife once again wherein she provided a variation of the incident at the Bellagio Hotel and Casino. She now reported that she was sitting in a chair and he picked her up and threw her down. At that time, we requested that no adverse action be taken against Swaine as his wife refused to cooperate with the probation office.

Until recently Swaine seemed to be holding his own as he was employed and living in a sober living residence. Unfortunately, his drug use has spiraled out of control and was using a device to circumvent our drug testing procedures.. Therefore, it is respectfully requested a warrant be issued for Swaine's arrest. Given the fact that Swaine had previously absconded from this term of supervision, it is believed he is a risk of nonappearance. Additionally, Swaine has shown he cannot remain sober, which aggravate his risk of nonappearance. Therefore, we would also request that he be detained pending the outcome of this matter.

**RE: Kent Swaine**

Prob12C  
D/NV Form  
Rev. March 2017

Respectfully submitted,



Henry Stegman  
2017.04.27  
06:25:11 -07'00'

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Henry Stegman  
Senior United States Probation Officer

Approved:

 Benjamin Johnson  
2017.04.26 15:02:45  
-07'00'

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Todd J. Fredlund  
Supervisory United States Probation Officer